IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA BEAUFORT DIVISION

C/A NO. 9:06-3407-CMC-GCK
OPINION and ORDER

This matter is before the court on Plaintiff's *pro se* complaint filed in this court pursuant to 42 U.S.C. § 1983 on December 5, 2006. Defendants Atkins, Church, Powers and Collins filed a motion for summary judgment on May 21, 2007. Defendant Bianco filed a motion for summary judgment on May 23, 2007. *Roseboro* orders were entered by the court on May 25, 2007, and May 23, 2007, respectively, advising Plaintiff of the importance of the summary judgment motions and the need for Plaintiff to file an adequate response. Plaintiff did not file a response to the motions. Because Plaintiff is *pro se*, a second order was issued granting Plaintiff an additional twenty days to advise the court as to whether he wished to pursue his case. Plaintiff responded by filing an affidavit on July 24, 2007.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge George C. Kosko for pre-trial proceedings and a Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court.

See Mathews v. Weber, 423 U.S. 261 (1976). The court is charged with making a de novo determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The court reviews the Report and Recommendation only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.") (citation omitted).

On August 31, 2007, the Magistrate Judge issued a Report recommending that the motion of Atkins, Church, Powers and Collins for summary judgment be granted and that Dr. Bianco's motion for summary judgment also be granted. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

After reviewing the motions, the affidavit, the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the court adopts and incorporates the Report and Recommendation by reference into this Order.

Therefore, it is hereby ordered that the summary judgment motion of Defendants Atkins, Church, Powers and Collins is **GRANTED**; and it is,

Further ordered that the summary judgment motion of Dr. Bianco is **GRANTED**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie

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CAMERON McGOWAN CURRIE UNITED STATES DISTRICT JUDGE

Columbia, South Carolina October 15, 2007

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